

October 2, 2021

Christian Klein, Chair  
Arlington Zoning Board of Appeals  
50 Grove Street  
Arlington, MA 02476

Re: Application for Comprehensive Permit, Thorndike Place

Dear Mr. Klein and ZBA Members:

I write in reference to consideration by the Zoning Board of Appeals (the “ZBA” or the “Board”) of the above-referenced Comprehensive Permit application. While I know the community’s reaction to the proposed development has been less than enthusiastic, it appears that the modified development is much smaller and includes ample flood storage, traffic mitigation and climate resiliency measures. Your careful consideration of community concerns and thoughtful balancing of Town interests in your review of this project played no small part in ensuring that resident and Town concerns were addressed. I thank each of you, and the Town employees who support you, for your work on this project.

The proposed development will provide housing resources that Arlington desperately needs, including a mix of incomes in a single, diverse, senior apartment community. It will include 31 new units of affordable, senior rental housing, with rents restricted in perpetuity, without the investment of any public dollars. In addition, it will now provide three (3) new affordable for-sale condominiums, which are desperately needed in Arlington, since condominium and single family home prices have continued to escalate precipitously during the pandemic. I also note that it provides independent senior living, which we currently lack in Arlington.

### **Reconsidering Local Preference**

The ZBA’s draft decision deletes from prior drafts a requirement that a portion of the Affordable Units included in the proposed development be reserved for households that meet a “local preference” for current residents and their immediate family members, municipal employees, employees of private and/or nonprofit businesses located in Town, and households with children enrolled in the Arlington Public Schools. I offer my support of your apparent intent to eliminate the local preference altogether, for reasons set forth below. And I thank you for your determination that no local preference apply for the initial lease-up of the affordable housing units created pursuant to the comprehensive permit approved September 2, 2021 for 1165 Massachusetts Ave.

The use of local preferences in communities that are predominantly white and relatively affluent can serve to perpetuate and exacerbate discriminatory impacts and racial segregation. The Town recently issued a Fair Housing Action Plan, in furtherance of its obligation to affirmatively further fair housing, with the intent of framing steps the Town can take to eliminate housing discrimination and segregation. Following are a few findings from the plan, which underscore the importance of both creating affordable housing and making it available to members of protected classes who are under-represented in Arlington, including but not limited to people of color.

- Like nearly every community in the United States, Arlington and greater Boston have a history of discriminatory practices in its housing and land use policies, which has led to persistent racial segregation and inequity regionally and in town. Arlington's residents are 78% White, 12% Asian, 4% Latino, 2% Black, 3% two or more races, less than 1% are Native American, and less than 1% are some other race.
- Arlington's residents of color have higher levels of opportunity than many people of color residing in the comparison region. However, the town's low share of people of color means that the relative opportunity afforded by residence in Arlington does not benefit a proportionate share of people of color.
- Arlington's median rent is not affordable to the median Black or Latino households within our region; the typical Black and Latino households in the comparison region would need approximately \$600 in additional monthly income to afford the typical Arlington rental. Given the limited representation of these demographic groups in our population, failure to make rent-restricted affordable housing available to people who do not live here now might be anticipated to have a discriminatory impact.
- The Fair Housing Action Plan proposes 41 strategies for affirmatively furthering fair housing, which specifically include "Amend Arlington's local preference policy to be more welcoming to nonresidents."
- And in the section relating to Arlington's Inclusionary Zoning bylaw, the Plan states that "The Town also sought to maximize preference for Arlington residents in available affordable housing units, which can make sense to address local housing need. In Arlington, though, the existing population has proportionally fewer members of protected classes than the surrounding region. Therefore, by preferencing existing residents who [are] disproportionately not members of protected classes, the local preference policy could exacerbate existing patterns of segregation. Ultimately, inclusionary zoning policies are only effective for fair housing when paired with housing production and an openness to outsiders."

I refer you also to the letter of Zane T. Krute, President of the Mystic Valley branch of the NAACP, to the ZBA on March 26, 2021. As Mr. Krute's letter states, "Building affordable housing and making it available to those most in need of it is a critical way of demonstrating our commitment to racial justice. Not doing so is a vote in favor of the system that continues to replicate racial inequality.

Although DHCD regulations require a process called pool balancing to mitigate the discriminatory effect of local preference, a commitment to furthering fair housing and equity requires us to honestly consider the potentially discriminatory impact of local preference in a Town where people of color and other protected classes are underrepresented. Exclusionary zoning and local preferences can and do perpetuate and exacerbate racial segregation and income inequality. For these reasons, I applaud the ZBA for taking the lead on moving away from the use of local preference when leasing affordable housing units permitted or financed by the Town.

### **Pairing Affordable Units with AHA Vouchers to House Very Low Income Seniors**

While the project as proposed will cap rents at amounts affordable to households making 80% of area median income or less, some seniors most in need of affordable housing may still find these rents out of reach. It is possible for such units to be rented by residents with lower incomes if they have a housing

voucher that helps them pay rent. There are not enough vouchers for all tenants who need them, but they are awarded and administered by local housing authorities like the Arlington Housing Authority, and other state and local agencies, as part of the Federal Section 8 program and the state Massachusetts Rental Voucher Program (MRVP). In high cost markets, it is sometimes difficult for a voucher holders to find homes, because market rents exceed the maximum rent that the government will pay. Rent-restricted units like the 31 rental units proposed at Thorndike Place can create a rare opportunity for very low income seniors with vouchers to live in Arlington. I encourage the Town to reach out to the Arlington Housing Authority to explore opportunities to market these affordable units to voucher holders, or to make housing vouchers available by other means for some or all of the affordable units in this development.

### **Committing to 10% Affordable Housing**

It is well established that Arlington does not have adequate restricted affordable housing to meet the needs of our residents or to do our fair share to meet the affordable housing needs of our region. The draft decision itself recites the fact that the number of low or moderate income housing units in the Town is only 5.7% of the total housing units in the Town, falling 859 units short of the ten percent (10%) goal that has been embedded in state law since 1968.<sup>1</sup>

I ask the Board to consider adopting, together with other Town bodies with authority or responsibility for housing affordability, a **voluntary goal of meeting the 10% affordability goal** as a reflection of its commitment to housing affordability. To be clear, I am not suggesting the Town should, in doing so, waive its legal discretion to approve or not approve any particular project or application or to assert or not assert any legal argument. Rather, I suggest that Town bodies with responsibility for housing signal a voluntary commitment to proactively pursue strategies to meet the 10% goal, over a period of years. With a proactive housing strategy, it is possible that the Town might attract developers interested in working with the Town on so-called “friendly 40B” developments with high levels of affordability and other characteristics desired by the Town.

The Zoning Board of Appeals plays an important role in advancing housing affordability, diversity and racial equity in Arlington. I encourage Board members to actively participate in the housing production planning process that is currently underway in Arlington, to participate in building a common understanding of our challenges and opportunities and to identify opportunities for collaboration across Town entities with housing responsibilities.<sup>2</sup> I am grateful for your time and service, and for your thoughtful consideration of the subject development and these comments.

Sincerely,



Karen E. Kelleher, k.kelleher76@comcast.net  
Town Meeting Member, Pct. 5  
Member, Housing Plan Implementation Committee  
Trustee, Arlington Affordable Housing Trust Fund

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<sup>1</sup> Subsidized Housing Inventory as posted on DHCD website 10/2/21, not yet updated with 2020 census data.

<sup>2</sup> Information about the housing planning process is available on the Housing Plan Implementation Committee’s page on the Town website: <https://www.arlingtonma.gov/town-governance/boards-and-committees/housing-plan-implementation-committee>